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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Application of: Salamone *et al.*

Application No.: 09/890,536

Group Art Unit: To be Assigned

Filed: January 29, 1999

Examiner: To be Assigned

For: **METHOD AND SYSTEM FOR
DYNAMIC CONFIGURATION OF
ACTIVATORS IN A CLIENT-SERVER
ENVIRONMENT**

Attorney Docket No.: 9318-022-999

RENEWED PETITION UNDER 37 C.F.R. § 1.47(a)

Attention: PCT LEGAL OFFICE

Assistant Commissioner for Patents
Box PCT
Washington, DC 20231

Sir:

This is in response to the Decision On Petition Under 37 C.F.R. § 1.47(a) mailed September 6, 2002, in connection with the above-identified application. Applicants wish to thank the Examiner for the helpful telephonic interview on November 14, 2002 during which the Decision was discussed.

In response to the Decision, applicants submit concurrently herewith (a) an original declaration for the above-identified application executed by the previously unavailable joint inventor Alan Clarke (Exhibit A); (b) a supplemental affidavit executed by Margaret O'Keefe, Executive Assistant of IONA Technologies, employer of the five named inventors at the time the invention was made (Exhibit B); and (c) a Petition For Extension of Time Under 37 C.F.R. § 1.136(a) for a period of three months from November 6, 2002 to and including February 6, 2003.

In the Decision, the Examiner indicates that the petition under 37 C.F.R. § 1.47(a) and filed by the applicants on April 15, 2002, (the "Petition") is dismissed without prejudice because requirements (2) and (4) of 37 C.F.R. § 1.47(a) have not been satisfied.

With respect to requirement (2), the Examiner indicates that the Petition failed to establish within the meaning of 37 C.F.R. § 1.47(a) that Alan Clarke “refuses to execute the application or cannot be reached after diligent effort.” Applicants respectfully submit that this issue is moot due to submission of an original declaration executed by Alan Clarke for the above-identified application (Exhibit A).

With respect to requirement (4), the Examiner indicates that the inventors’ declarations submitted with the Petition were defective. In particular, the Examiner indicates that certain inventor address and citizenship information on the declarations is not consistent from declaration to declaration.

It is respectfully submitted, however, that although certain inventor information differs on the submitted declarations, the address and citizenship information as to each inventor is correct on the copy of the declaration executed by the inventor. Moreover, each of the declarations correctly identifies the application's five joint inventors, each of whom was employed by IONA Technologies at the time the invention was made. A supplemental declaration to this effect from Margaret O'Keefe of IONA Technologies is attached hereto as Exhibit B. During the telephonic interview, it was discussed that this set of facts could be analogized to a situation where joint inventors execute separate copies of the declaration, but recognize errors in their address or citizenship information and correct those errors on their respective copies of the declaration before signing. Such declarations may be appropriately filed, even though the inventor information on the executed declarations differs. Accordingly, it is respectfully submitted that the inventors' declarations satisfy requirement (4) of 37 C.F.R. § 1.47(a).

In light of the above, applicants respectfully renew their original Petition and request that it be granted.

The renewed petition was originally due on November 6, 2002. Accordingly, a Petition for Extension of Time (three months) is submitted herewith to render this renewed Petition timely. Please charge this and any other required fees to Pennie & Edmonds LLP deposit account No. 16-1150.

Respectfully submitted,

U.C. 27 Ky No 36,196

for Barry D. Rein

Date: January 15, 2003

Henry Lebowitz

Reg. No. 36,196

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